

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATIONAL PASTEURIZED EGGS, INC.,
and NATIONAL PASTEURIZED EGGS, LLC,

Plaintiffs,

JUDGMENT IN A CIVIL CASE

v.

Case No. 10-cv-646-wmc

MICHAEL FOODS, INC., ABBOTSFORD
F FARMS, INC., CRYSTAL FARMS
REFRIGERATED DISTRIBUTION COMPANY
and M.G. WALDBAUM COMPANY,

Defendants,

and

MICHAEL FOODS, INC.,

Plaintiff,

v.

Case No. 11-cv-534-wmc

NATIONAL PASTEURIZED EGGS, INC.,

Defendant.

This matter came before the court and a jury with District Judge William M. Conley presiding. The issues have been tried and the jury has rendered a verdict.

The parties having withdrawn equitable claims not mooted by the jury's verdict,
IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered as follows:

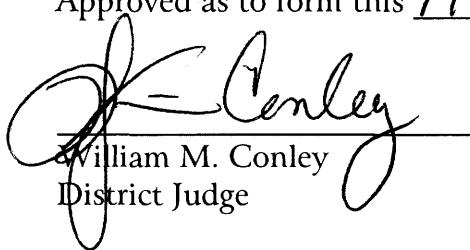
1. In favor of defendants Michael Foods, Inc., Abbotsford Farms, Inc., Crystal Farms Refrigerated Distribution Company and M.G. Waldbaum Company and against plaintiffs National Pasteurized Eggs, Inc. and National Pasteurized Eggs, LLC granting summary judgment and dismissing plaintiffs' claims of infringement of all

asserted claims of U.S. Patent No. 5,916,617; dismissing plaintiffs' claims of infringement of claim 9 of U.S. Patent No. 6,113,961 (the "'961 patent") and all asserted claims dependent on claim 9 of the '961 patent; and dismissing plaintiffs' trademark and unfair competition claims;

2. In favor of plaintiffs National Pasteurized Eggs, Inc. and National Pasteurized Eggs, LLC finding infringement by defendants Michael Foods, Inc., Abbotsford Farms, Inc., Crystal Farms Refrigerated Distribution Company and M.G. Waldbaum Company of claims 2 and 3 of U.S. Patent No. 6,165,538 (the "'538 patent"), claim 1 of U.S. Patent No. 6,632,464 (the "'464 patent"), and claims 5 and 8 of the '961 patent and awarding damages to National Pasteurized Eggs, Inc. in the amount of \$5,841,646; and
3. Declaring that claims 1, 2, 4 and 5 of U.S. Patent No. 6,004,603, claim 4 of U.S. Patent No. 6,303,176, and claim 4 of U.S. Patent No. 6,974,599 are invalid.

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered permanently enjoining defendants Michael Foods, Inc., Abbotsford Farms, Inc., Crystal Farms Refrigerated Distribution Company and M.G. Waldbaum Company from using, making or selling eggs pasteurized according to the process adopted on or about April 1, 2010.

Approved as to form this 19th day of June, 2012.


William M. Conley
District Judge


Peter Oppeneer
Clerk of Court

6/19/12
Date